



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

DEC 1 2011

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter Consultation – *Secretary of the Navy Advisory Panel*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Secretary of the Navy Advisory Panel* (attached). The Panel will operate under the provisions of the Federal Advisory Committee Act of 1972, as amended and in accordance with 41 CFR § 102-3.50.

Prior to filing the Panel's charter with the Library of Congress and the appropriate congressional committees the Department of Defense respectfully requests that the Committee Management Secretariat review and approve the proposed charter and Membership Balance Plan (attached). The proposed charter and Membership Balance Plan has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter or Membership Balance Plan please contact, Len O'Reilly at 703-692-5949.

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James D. Freeman II
Acting Advisory Committee Management
Officer for the Department of Defense

Attachments:

1. Proposed Charter
2. Membership Balance Plan

CHARTER
SECRETARY OF THE NAVY ADVISORY PANEL

1. Committee's Official Designation: The Committee shall be known as the Secretary of the Navy Advisory Panel (hereafter referred to as "the Panel").
2. Authority: The Secretary of Defense, under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix), and 41 CFR § 102-3.50(d), established the Panel.
3. Objectives and Scope of Activities: The Panel, under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix), shall provide the Secretary of Defense, through the Secretary of the Navy, independent advice and recommendations on critical matters concerning the Department of the Navy, as set out in (4) below.
4. Description of Duties: The Panel's focus will include the Navy energy program, the shipbuilding defense industrial base, Asia/Pacific engagement, intelligence organization and related maritime issues.
5. Agency or Official to Whom the Committee Reports: The Panel shall report to the Secretary of the Navy who is authorized to act upon the Panel's advice and recommendations.
6. Support: The Department of Defense, through the office of the Secretary of the Secretary of the Navy, shall provide support services as deemed necessary for the performance of the Panel's functions, and shall ensure compliance with the requirement of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), and governing DoD policies.

Additional information and assistance, as required, may be obtained from other DoD Components with contracting authority, support contractors, including DoD Federally Funded Research and Development Centers for studies and analysis support.

7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meeting and contract support, is approximately \$423,627.00. The estimated annual personnel cost to the Department of Defense is 3.0 full-time equivalents (FTEs).
8. Designated Federal Officer: The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with governing DoD policies and procedures. In addition, the Designated Federal Officer is required to be in attendance at all Panel and subcommittee meetings for the entire duration of each and every meeting. However,

in the absence of the Designated Federal Officer, the Alternate Designated Federal Officer shall attend the entire duration of the Panel or subcommittee meeting.

9. Estimated Number and Frequency of Meetings: The Panel shall meet at the call of the Designated Federal Officer, in consultation with the Secretary of the Navy and the Panel's Chairperson, and the estimated number of Panel meetings is three per year.
10. Duration: The need for this advisory function is on a continuing basis, however is subject to renewal every two years.
11. Termination: The Panel shall terminate upon completion of its mission or two years from the date this charter is filed, whichever is sooner, unless the Secretary of Defense extends it.
12. Membership and Designation: The Panel shall be composed of no more than 15 members, who are eminent authorities in the fields of national security policy, intelligence, science, engineering, or energy and industry. Panel members appointed by the Secretary of Defense, who are not full-time or permanent part-time federal officers or employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and to serve as special government employees. Panel members shall be appointed on an annual basis by the Secretary of Defense, and with the exception of travel and per diem for official travel, Panel members shall serve without compensation.

The Secretary of the Navy shall select the Panel's Chairperson from the total membership.

All Panel members are appointed to provide advice on behalf of the government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

13. Subcommittees: With DoD approval, the Panel is authorized to establish subcommittees, as necessary and consistent with its mission. These subcommittees shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), other governing Federal statutes and regulations, and governing DoD policies.

Such subcommittees shall not work independently of the chartered Panel and shall report all their recommendations and advice to the Panel for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered Panel; nor shall any subcommittee or its members report or update directly to the Department of Defense or any Federal officers or employees who are not Panel members.

All subcommittee members shall be appointed in the same manner as the Panel members; that is, the Secretary of Defense shall appoint subcommittee members even if the member in question is already a Panel member.

Such individuals, if not full-time or part-time government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and to serve as special government employees, whose appointments must be renewed on an annual basis. With the exception of travel and per diem for official travel, subcommittee members shall serve without compensation.

14. Recordkeeping: The records of the Panel and its subcommittees shall be handled according to section 2, General Record Schedule 26 and appropriate Department of Defense policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. § 552).

15. Filing Date:

Membership Balance Plan Secretary of the Navy Advisory Panel

Agency: Department of Defense

- 1. Authority:** The Secretary of Defense, pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR § 102-3.50(d), established the Secretary of the Navy Advisory Panel (hereafter referred to as "the Panel").
- 2. Mission/Function:** The Panel, under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), shall provide the Secretary of Defense, through the Secretary of the Navy, independent advice and recommendations on critical matters concerning the Department of the Navy. The Panel's focus will include the Navy energy program, the shipbuilding defense industrial base, Asia/Pacific engagement, intelligence organization, and related maritime issues.
- 3. Points of View:**

The Department of Defense, in selecting individual members for this advisory committee, looks for individuals with extensive professional experience in the fields of geo-political policy, national security policy, maritime policy, national and international energy policy, intelligence, science, engineering, or business and industry. The Department of Defense has found that viewing the complex issues facing the Department of the Navy through a multidiscipline advisory committee provides the Department and, more importantly the American public, with a boarder understanding on which to base subsequent policy decisions.

Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before him or her, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest. Panel Members appointed by the Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and to serve as special government employees. Panel members shall be appointed on an annual basis by the Secretary of Defense.

- 4. Other Balance Factors:** Candidates for appointment come from academia, the private sector, former senior government employees, or senior military officers. Individual appointments are based on the subject matter being reviewed by the Board and a review of the individuals' experiences and knowledge of various defense issues, to include, but not limited to national security policy, defense intelligence, and geopolitical matters.
- 5. Candidate Identification Process:**

The Department of Defense, in selecting potential candidates for this advisory committee, reviews the educational and professional credentials of individuals with extensive backgrounds in the areas of primary interest to the Panel. Potential candidates are identified by the professional staff of the Office of the Secretary of the Navy and, in some instances, based upon discussions with other professionals in the Department of the Navy.

Membership Balance Plan

Secretary of the Navy Advisory Panel

Once potential candidates are identified, the Secretary of the Navy reviews the credentials of each individual and narrows the list of candidates. During his or her review, the Secretary of the Navy strives to achieve a balance between the professional credentials of the individuals and the near-term subject matters that the Secretary of the Navy anticipates will be reviewed by the advisory committee.

After the Secretary of the Navy has narrowed the list of candidates and before formal nomination to the Secretary of Defense, the list of potential candidates undergoes a review by the Department of Defense Office of General Counsel (DoD OGC) and the Office of the Advisory Committee Management Officer to ensure compliance with federal and DoD governance requirements; for example, compliance with the advisory committee's charter and membership balance plan. Following this review, the Secretary of the Navy formally nominates the potential candidates to the Secretary of Defense for approval; pursuant to DoD policy, only the Secretary of Defense and the Deputy Secretary of Defense can invite or approve the appointment of individuals to advisory committees established or supported by the Department of Defense.

Following the Secretary of Defense's approval, the approved candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

- 6. Subcommittee Balance:** Upon DoD approval, the Panel is authorized to establish subcommittees, as necessary and consistent with its mission. Currently, the Panel has two subcommittees: the Asia/Pacific Engagement Subcommittee, and the Energy Subcommittee. As required by the Panel's charter, these subcommittees operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), governing Federal statutes and regulations, and DoD policy.

Subcommittee members are selected by the Secretary of the Navy from existing Panel members and approved by the Secretary of Defense based upon their professional experience and knowledge of the matters under consideration by the subcommittee.

- 7. Other:** The Department of Defense adheres to the rules and regulations issued by the Office of Government Ethics and the administration's prohibition against registered federal lobbyists.

- 8. Date Prepared/Updated:**